

REMARKS

Claims 2-4, 7-9, 11-13 are cancelled without prejudice or disclaimer.
Therefore, claims 1, 5, 6, 10 and 14 are the claims now pending in the Application.

Rejection of Claims 1-14 under 35 U.S.C. § 102 (e)

Claims 1-14 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Kraft et al. U.S. Patent No. 6,463,278. This rejection is traversed.

According to an aspect of Applicant's claimed invention, the selecting is performed without reliance on a base station signal, and may be performed even if a signal is weak, or if the mobile unit's location cannot be determined.

Independent claims 1, 6, 10 and 14 require that upon receipt of any call from outside the current utilization environment of the user registered to said utilization environment, registered means would be selected **based solely on** a current time/date.

The Examiner alleges (Office Action, page 2) that Kraft discloses that the utilization environment includes the place information, and that call notification is based on the current utilization environment that is registered. Kraft discloses determining a user defined mode **based on a current time and based on a position information obtained from the base station** (see Kraft; col. 4, lines 46-57, in particular: "Three working modes are selected to be included in the normal duty hours, e.g. 8 a.m. to 4 p.m. ... it is the position of the phone which determines which of the three modes is to be used at the moment", lines 51-55, underline added).

Kraft does not disclose or suggest that the current utilization environment determination based solely on the current time/date. That is, as discussed, Kraft teaches a system that relies on a current time and on position information obtained from the base station. Therefore, Kraft does not disclose or suggest the features of independent claims 1, 6, 10 and 14.

Claim 5 depends from independent claim 1, and thus incorporates novel and nonobvious features thereof. Therefore, claim 5 is patentably distinguishable over the prior art for at least the reasons that its respective base claim is patentably distinguishable over the prior art. Accordingly, this rejection should now be removed.

For at least the reasons set forth in the foregoing discussion, Applicant believes that the Application is now allowable and respectfully requests that the Examiner reconsider the rejections and allow the Application. Should the Examiner have any questions regarding this Amendment or regarding the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,


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